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**IN THE UNITED STATES DISTRICT COURT**  
**IN AND FOR THE DISTRICT OF ARIZONA**

Johnny Wheatcroft and Anya Chapman, as  
husband and wife, and on behalf of minors J.  
W. and B. W.,

Plaintiffs,

v.

City of Glendale, a municipal entity; Matt  
Schneider, in his official and individual  
capacities; Mark Lindsey, in his official and  
individual capacities; and Michael Fernandez,  
in his official and individual capacities;

Defendants.

Case No.: 2:18-cv-02347-SMB

**JOINT SUPPLEMENTAL  
BRIEF REGARDING  
BODY WORN CAMERA**

The Parties, by and through counsel undersigned, hereby submit this brief pursuant to the Court's Order [Doc. 263] as to the videos identified as exhibits by each party in their respective statements of facts relating to the summary judgment briefing.

Each party moved to file non-electronic exhibits as to Defendant Schneider's Body Worn Camera Video, Defendant Lindsey's Body Worn Camera Video, and the Motel 6 Surveillance Video (collectively referred to herein as the "Videos"). *See* Doc. 247 and Doc. 262. Defendants listed these Videos Exhibits 9, 12, and 13 in Defendants' Statement of Facts [Doc. 246] and

1 Plaintiff listed the Videos as Exhibits 1, 2, and 3, in Plaintiffs' Controverting and Separate  
2 Statement of Facts [Doc. 261]. Defendants also filed a Motion for Leave to File *Under Partial*  
3 *Seal*, Defendants' Motion for Summary Judgment, Statement of Facts, and Associated Exhibits  
4 (Doc. 247) ("Motion to Seal"). In the Motion to Seal, out of an abundance of caution, Defendants  
5 seek to seal the videos to protect the identities of the minor Plaintiffs, J.W. and B.W., which the  
6 Parties have protected throughout this litigation.

7       Outside of this litigation, various news and media sources obtained the videos from  
8 Defendant Glendale through public records requests under Arizona law. However, the Videos  
9 provided to the media had certain redactions, including the obscuring of the minor Plaintiffs'  
10 faces, which make them qualitatively different from the unredacted Videos disclosed in this action  
11 and now used by the parties in this summary judgment context. In addition, Plaintiffs' counsel  
12 believes the Videos were disclosed to Anya Chapman, who is the mother of the minor Plaintiffs,  
13 as part of the criminal proceedings against her. Also, Defendants' counsel submits that  
14 prosecutors obtained these Videos from the City of Glendale.

15       Although the Videos have not been specifically identified as "Confidential" in this lawsuit  
16 and have not previously been made subject to the applicable Protective Order in this matter (Doc.  
17 114 and its addendum Doc. 216), the parties have not published these unredacted Videos outside  
18 this litigation, and the parties are unaware of any public disclosure or publication of the unredacted  
19 Videos by any news source or media. However, Plaintiffs' counsel states unredacted versions of  
20 the Body Worn Videos were made available to her prior the filing of this lawsuit, but counsel does  
21 not know the extent the video was made available to others. Thus, Plaintiffs do not believe the  
22 Videos were maintained as secret or confidential. Further, Plaintiffs do not know to what extent  
23 the media has received any of the unredacted Videos disclosed in this lawsuit. As stated  
24 previously, Defendants have not provided unredacted versions of Videos to the media or the  
25 public.

1 Counsel for the Parties have conferred and agree that the identities of the minor children,  
 2 including their faces as they appear in the Videos, should remain protected. Therefore, the Parties  
 3 agree that these unredacted Videos should be sealed to protect the identities of the minor Plaintiffs,  
 4 J.W. and B.W., in this lawsuit.

5 Therefore, in the interests of the minor Plaintiffs, J.W. and B.W., the parties submit that  
 6 the sealing of these Videos is appropriate to ensure the minor Plaintiffs, J.W. and B.W., are  
 7 afforded the same level of proactive confidentiality and protection as they have been afforded  
 8 throughout this lawsuit. Defendants request the Videos be sealed pursuant to Defendants' Motion  
 9 to Seal [Doc. 247].

10 Pursuant to the Court's Order [Doc. 263], attached hereto as Exhibits A and B are  
 11 Affidavits of Counsel.

12 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of May, 2021.

13 ATTORNEYS FOR FREEDOM

14 By: /s/ Jody L. Broaddus

15 Jody L. Broaddus, Esq.

16 Marc J. Victor, Esq.

17 *Attorneys for Plaintiffs*

18 JONES, SKELTON & HOCHULI, P.L.C

19 By: /s/ Joseph J. Poplizio

20 Joseph J. Popolizio, Esq.

21 Ian Beck, Esq.

22 *Attorneys for Defendants*

### 23 CERTIFICATE OF SERVICE

24 I hereby certify that on this 12th day of May, 2021, I electronically transmitted the  
 25 foregoing to the Clerk's office using the CM/ECF system for filing and transmittal of a Notice of  
 26 Electronic filing to the following registrants to:

1 Joseph J. Popolizio  
2 Ian C. Beck  
3 JONES, SKELTON & HOCHULI, P.L.C.  
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6 By: /s/ Heather Wilson  
7 Heather Wilson  
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